

AO 241 (Rev. 5/85)

PETITION UNDER 28 USC § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

FILED
CLERK'S OFFICE
APR 23 10 41

United States District Court		District MIDDLESEX
Name MICHAEL K. HUNTER	Prisoner No. #W-57601	Case No. 05-10904
Place of Confinement HCI-NORFOLK P. O. BOX #43 2 CLARK STREET NORFOLK, MA 02056		
Name of Petitioner (include name under which convicted) MICHAEL K. HUNTER	Name of Respondent (authorized person having custody of petitioner) <i>Referred to MJ JLaAlexandr</i>	
The Attorney General of the State of: MASSACHUSETTS:		

PETITION

- Name and location of court which entered the judgment of conviction under attack
MIDDLESEX SUPERIOR COURT
- Date of judgment of conviction
DECEMBER 7, 1994
- Length of sentence
LIFE (FIRST DEGREE) W/OUT PAROLE, 18-20 YRS CONCURRENT
- Nature of offense involved (all counts)
**MURDER IN THE FIRST DEGREE
UNARMED ROBBERY OF VICTIM OVER 65**
- What was your plea? (Check one)
 (a) Not guilty ☒ **XX**
 (b) Guilty ☐
 (c) Nolo contendere ☐
 If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:

- If you pleaded not guilty, what kind of trial did you have? (Check one)
 (a) Jury ☒ **XX**
 (b) Judge only ☐
- Did you testify at the trial?
Yes ☐ No ☒ **XX**
- Did you appeal from the judgment of conviction?
Yes ☒ No ☐ **XX**

AO 241 (Rev. 5/85)

9. If you did appeal, answer the following:

(a) Name of court Massachusetts Supreme Judicial Court

(b) Result Judgment Affirmed

(c) Date of result and citation, if known February 20, 1998 /Commonwealth v. Hunter, 426 Mass. 715

(d) Grounds raised 1. whether trial court erred by excluding prior bad acts of a witness; 2. loss of evidence required reversal; 3. arraignment was not given in a reasonable time; 4. statements made to police were involuntary.

(e) If you sought further review of the decision on appeal by a higher state court, please answer the following:

(1) Name of court N/A

(2) Result _____

(3) Date of result and citation, if known _____

(4) Grounds raised _____

(f) If you filed a petition for certiorari in the United States Supreme court, please answer the following with respect to each direct appeal:

(1) Name of court N/A

(2) Result _____

(3) Date of result and citation, if known _____

(4) Grounds raised _____

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?
Yes x No ☐

11. If your answer to 10 was "yes," give the following information:

(a) (1) Name of court Middlesex Superior Court

(2) Nature of proceeding Motion For A New Trial pursuant to M.R.C.P. Rule 30(b)

(3) Grounds raised 1. Defendant was denied effective assistance of counsel; 2. the Commonwealth failed to disclose exculpatory evidence; 3. the defendant was deprived of his state and federal constitutional right to due process; 4. the verdict is contrary to the weight of the evidence

AO 241 (Rev. 5/85)

where the evidence tends equally to sustain either of two inconsistent propositions that another suspect may have been the assailant.

(4) Did you receive an evidentiary hearing on your petition, application or motion?
Yes ☐ No ☒

(5) Result Memorandum of Decision and Order filed denying defendant's Motion For A New Trial.

(6) Date of result June 25, 2004

(b) As to any second petition, application or motion give the same information:

(1) Name of court Middlesex Superior Court and Mass. Supreme Judicial Court

(2) Nature of proceeding? Notice Of Appeal

(3) Grounds raised Notice of Appeal was docketed, however, the Superior court informed the defendant to in addition, petition the SJC in order for the Appeal to Proceed. The defendant then petitioned the SJC For Leave To Proceed On Appeal In Forma Pauperis and petitioned For Leave To Be Heard On The Original Record.

(See attached documentation)

(4) Did you receive an evidentiary hearing on your petition, application or motion?
Yes ☐ No ☒

(5) Result: After pursuing to exhaust state court remedies it has been futile for the petitioner to obtain a result because the Supreme Judicial Court will not answer his appeal petitions.

(6) Date of result: See above

(c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes ☒ No ☐

(2) Second petition, etc. Yes ☒ No ☐

(d) If you did *not* appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

12. State *concisely* every ground on which you claim that you are being held unlawfully. Summarize *briefly* the facts supporting each ground. If necessary, you may attach pages stating additional grounds and *facts* supporting same. **CAUTION:** In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

AO 241 (Rev. 5/85)

For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, *you should raise in this petition all available grounds (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.*

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

- A. Ground one: Ground of Futility—After a final judgment, petitioner pursuing to exhaust available state court remedies concerning an earlier mixed petition with this court was not heard on his Notice Of Appeal.

Supporting **FACTS** (state *briefly* without citing cases or law) Petitioner established a final judgment concerning questions raised in this Petition in the Middlesex Superior Court in a Motion For A New Trial on June 25, 2004. The Petitioner filed a Notice Of Appeal on July 13, 2004. The Superior court contacted the Petitioner and informed him that they would docket the appeal but before they could proceed, the Petitioner first had to petition the SJC for leave. On July 25, 2004 and again on October 22, 2004, the Petitioner petitioned the SJC for Leave To Proceed On Appeal In Forma Pauperis and For Leave To Be Heard On The Original Record. The SJC refuses to respond to his petitions. If Petitioner does not file this petition one year after a final judgment, he loses his right to do so pursuant to A.E.D.P.A.

- B. Ground two: Petitioner was denied effective assistance of counsel, as guaranteed by the U.S. Constitution and the Fifth and Fourteenth and Sixth Amendments.

Supporting **FACTS** (state *briefly* without citing cases or law) Counsel failed to investigate defenses to the charges; failed to present favorable evidence; failed to object to jury instructions; failed to object to prosecutorial misconduct when the Commonwealth produced testimony of an earlier suspect who staged the crime scene.

AO 241 (Rev. 5/85)

C. Ground three: Petitioner was deprived of his state and federal constitutional right to a fair trial and Due Process of law under the Fourteenth Amendment of the U.S. Constitution

Supporting FACTS (state *briefly* without citing cases or law) Petitioner was 1. biased by the trial judge to a fair trial where his confrontation right was denied; 2. conviction was based on prejudicial hearsay that could not be effectively cross-examined by the defense thus, improperly excluding third person guilt evidence; 3. jury instructions on every essential element of the offense not given, thus lightening the prosecutions burden of proof; 4. prosecution failed to disclose exculpatory material that was in the hands of investigating Crime Scene Service Section agents; and 5. conviction on less than proof beyond a reasonable doubt of every element of the crime charged.

D. Ground four:

Supporting FACTS (state *briefly* without citing cases or law)

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federally, state *briefly* what grounds were not so presented, and give your reasons for not presenting them:

Ineffective assistance of trial and appellate counsel as well as futility

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?
Yes ☒ No ☐

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing Christopher J. Muse

90 Devonshire Street, Boston, MA 02109

(b) At arraignment and plea Christopher J. Muse

90 Devonshire Street, Boston, MA 02109

AO 241 (Rev. 5/85)

(c) At trial Christopher J. Muse90 Devonshire Street, Boston, MA 02109(d) At sentencing Same as above(e) On appeal Elliot M. Weinstein232 Lewis Wharf, Boston, MA 02110(f) In any post-conviction proceeding Pro se(g) On appeal from any adverse ruling in a post-conviction proceeding Pro se

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?
 Yes ☒ No ☐

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?
 Yes ☐ No ☒

(a) If so, give name and location of court which imposed sentence to be served in the future: _____

(b) Give date and length of the above sentence: _____

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?
 Yes ☒ No ☐

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

 Signature of Attorney (if any)

I declare, under penalty of perjury that the foregoing is true and correct. Executed on Apr. 26, 2005
 (date)

Michael K. Skurter
 Signature of Petitioner

**Commonwealth of Massachusetts
Superior Court Department
The Trial Court
Cambridge**

July 16, 2004

Michael Hunter
MCI Norfolk
P.O. Box 43
Norfolk, MA 02156

RE: Commonwealth Vs. Michael Hunter, #93-1084

Dear Mr. Hunter:

In response to your recent filing, the court will docket your appeal but you must file a petition with the Supreme Judicial Court and Middlesex Superior Court will await the decision of the Supreme Judicial Court to then process the appeal.

Sincerely,

Criminal Department
Middlesex Superior Court

Commonwealth of Massachusetts
MIDDLESEX SUPERIOR COURT
Case Summary
Criminal Docket

10/14/2004

10:10 AM

MICR1993-01084
Commonwealth v Hunter, Michael K

Date	Paper	Text
11/08/1996		volume 3 page 121, date 11/22/94, E. Joan Cave, Court Reporter) Two revised certified copies of the docket entries together with two sets, one page from #84 volume #3, page #121, date 11/22/94, of the transcript of evidence sent to the Clerk of the Appeals Court this day. (SJC 7213) (Atty. Elliot Weinstein & Thomas Reilly, District Attorney notified)
01/30/1997	86.0	Two sets, one volume in each set of the transcript of evidence delivered to the office of the Clerk of Courts this day (Nov 17, 1994-Vol M3-Part 2 Motion to Suppress) E. Joan Cave, Court Reporter
01/30/1997		Two revised certified copies of the docket entries together with two sets, one volume of the transcript of evidence - Nov 17, 1994 Vol M3-Part 2-sent to the Clerk of the Supreme Judicial Court this day. (SJC #7213) Atty Elliot Weinstein & Thomas Reilly, District Attorney notified)
02/20/1998	87.0	Rescript rec'd from S.J.C. ORDERED, that the following entry be in the docket; viz.,-- Judgments affirmed. By the Court, Susan Mellon Assistant Clerk. (see # 87 case #93-1084 002)
03/14/2001	88.0	Pro Se Motion by Deft: To Waive the Fees and Costs for the Collection and Processing of Deoxyribonucleic Acid (DNA) Performed by Prison Medical Staff with an Affidavit of Indigency and Request for Waiver, Substitution or State Payment of Fees and Costs. (copy to Judge King)
05/25/2001		Motion (P#88) ORDER: Motion denied (Patrick J. King, Justice) deft., D.A. notified & certified copy sent to institution
10/27/2003	89.0	Motion by Deft: for a New Trial with Affidavit and Memorandum in Support Thereof Attached thereto.
11/17/2003	90.0	PROCEDURAL ORDER: The defendant has file a motion for post conviction relief. The Court ORDERS that the Commonwealth file a reponse to the defendants pending motion on or before December 12, 2003
12/11/2003	91.0	Motion by Commonwealth: to Extend time for filing Memorandum of Law In Opposition to Defendants Motion for a New Trial
12/11/2003	92.0	Affidavit of Marguerite Grant in Support of Commonwealths Motion to Extent time for filing Memorandum of Law in Opposition to Defendants Motion for New Trial
01/09/2004	93.0	Second Motion by Commonwealth: to Extend Time for Filing Memorandum of Law in Opposition to Defendant's Motion For a New Trial (copy to Judge Graham)
01/12/2004	94.0	Commonwealth files Affidavit of Marguerite T. Grant in Support of Commonwealth's Second Motion to Extend Time For Filing Memorandum of Law In Opposition to Defendant's Motion For A New Trial.
02/03/2004		Motion (P#93) allowed Quinlan, J
02/26/2004	95.0	Motion by Deft: Pro Se Motion To Compel Reply (copy Quinlan, J.) Copy ADA
03/22/2004	96.0	Commonwealth files Memornadum of Law in Opposition to Defendants Motion for a New Trial
04/23/2004	97.0	ORDER REFERRING DEFENDANTS MOTION FOR NEW TRIAL: The defendant has

Commonwealth of Massachusetts
MIDDLESEX SUPERIOR COURT
Case Summary
Criminal Docket

10/14/2004

10:10 AM

MICR1993-01084
Commonwealth v Hunter, Michael K

Date	Paper	Text
	97.0	filed a Motion for New Trial. The Motions are assigned to Brassard, J in the 2nd Criminal Session (CourtRoom 12B for determination. (Regina Quinlan, Regional Administrative Justice)
05/18/2004	98.0	Motion by Deft: to Stay Proceedings(Sent to Brassard, J)
06/15/2004	99.0	Letter received from CPCS: Because the defendant in the above entitled case has no automatic right to counsel under the laws of the Commonwealth or the rules of the supreme judicial court (GLc 211D, Sec 5) in this proceeding, I assigned this case to a member of the Committee for Public Counsel Services Post-Conviction Collateral Screening Panel The assigned attorney was directed to review this case and advise my designee, CPCS Director of Criminal Appeals, Private Counsel Division, whether we should exercise my statutory authority of 211D sec 6(b)(iii) to appoint private counsel We have decided not to assign counsel in this matter The Committee has informed the defendant of that decision We have also explained that we have a packet of materials describing how a prisoner can proceed pro se
06/16/2004		Motion (P#98) After review of the papers, including the decision of the Committee not to assign counsel, Denied (Brassard,J)
06/25/2004	100.0	MEMORANDUM OF DECISION AND ORDER ON DEFENDANTS MOTION FOR A NEW TRIAL. The Defendants Motion for a New Trial is Denied. Brassard, J
07/13/2004	101.0	NOTICE of APPEAL FILED by Michael K Hunter on Memorandum of Decision and Order on Defendant's Motion For A New Trial

Pauperis.

- b. Fill-in all of the requested information about yourself on the spaces provided. You must disclose the balance (as best you know) of any type of bank, savings, or investment account(s) to which you can gain access, any real estate you may own (whether in the State of California or in another state), any cars, etc.
- c. You must sign and date the declaration under penalty of perjury that the information provided is true and correct. You are put on notice that any untruthful statements or misrepresentations could result in sanctions being imposed against you by the court.
- d. If you are NOT an inmate: Your Application to Proceed In Forma Pauperis is complete. Do not complete the prison certificate page. You should be aware, however, that the court may require you to provide additional information about your finances.
- e. If you are an inmate: The form contains a financial certificate to be used by inmates to better inform the court about their financial condition. **THE APPLICATION TO PROCEED IN FORMA PAUPERIS IS NOT COMPLETE AND WILL NOT BE CONSIDERED BY THE COURT UNLESS THE FINANCIAL CERTIFICATE HAS BEEN PROPERLY COMPLETED.** Also, each Application to Proceed In Forma Pauperis must be have an **ORIGINAL** financial certificate.

3. **Determination Of Filing Fee (for inmates only):**

- a. A properly completed financial certificate is required for the court to consider the Application to Proceed In Forma Pauperis. DO NOT submit your own affidavit instead of the financial certificate. If you do, your motion and the accompanying petition for writ of habeas corpus may not be accepted and may be returned to you.
- b. To obtain a financial certificate disclosing how much money you have credited to your account(s) with the institution in which you are confined you should submit that page to the prison division/department that keeps the records of how much money you have in your account(s). (The name of that division or department varies depending on where you are being held, for example, "institutional services," "accounting," etc.). Someone in that division/department will complete the Prison Certificate and return it to you. Each Application to Proceed In Forma Pauperis must be have an

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS <div style="text-align: center;">Michael K. Hunter</div> <div style="text-align: center;">(b) County of Residence of First Listed Plaintiff <u>Norfolk</u> (EXCEPT IN U.S. PLAINTIFF CASES)</div> <div style="text-align: center;">(c) Attorney's (Firm Name, Address, and Telephone Number) P.O. Box 43 Norfolk, Ma 02056</div>		DEFENDANTS <div style="text-align: center;">Luis L. Spencer</div> <div style="text-align: center;">County of Residence of First Listed Defendant <u>Norfolk</u> (IN U.S. PLAINTIFF CASES ONLY)</div> <div style="text-align: center;">NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. 05-10904 NG Attorneys (If Known) Nancy Ankle-White</div>																			
II. BASIS OF JURISDICTION (Place an "X" in One Box Only) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)		III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only) <table style="width:100%; border: none;"> <tr> <td style="width: 33%;">Citizen of This State</td> <td style="width: 33%; text-align: center;">PTF <input checked="" type="checkbox"/> 1</td> <td style="width: 33%; text-align: center;">DEF <input type="checkbox"/> 1</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> </tr> </table> <table style="width:100%; border: none;"> <tr> <td style="width: 33%;">Incorporated or Principal Place of Business in This State</td> <td style="width: 33%; text-align: center;">PTF <input type="checkbox"/> 4</td> <td style="width: 33%; text-align: center;">DEF <input type="checkbox"/> 4</td> </tr> <tr> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		Citizen of This State	PTF <input checked="" type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Incorporated or Principal Place of Business in This State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	PTF <input checked="" type="checkbox"/> 1	DEF <input type="checkbox"/> 1																			
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2																			
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3																			
Incorporated or Principal Place of Business in This State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4																			
Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																			
Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																			
IV. NATURE OF SUIT (Place an "X" in One Box Only)																					
CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS <table style="width:100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury </td> <td style="width: 50%; vertical-align: top;"> PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability </td> </tr> </table> CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability																		
PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability																				

 FORFEITURE/PENALTY ☐ 610 Agriculture ☐ 620 Other Food & Drug ☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 630 Liquor Laws ☐ 640 R.R. & Truck ☐ 650 Airline Regs. ☐ 660 Occupational Safety/Health ☐ 690 Other **LABOR** ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Mgmt. Relations ☐ 730 Labor/Mgmt. Reporting & Disclosure Act ☐ 740 Railway Labor Act ☐ 790 Other Labor Litigation ☐ 791 Empl. Ret. Inc. Security Act | **BANKRUPTCY** ☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 **PROPERTY RIGHTS** ☐ 820 Copyrights ☐ 830 Patent ☐ 840 Trademark **SOCIAL SECURITY** ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) **FEDERAL TAX SUITS** ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609 | **OTHER STATUTES** ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 810 Selective Service ☐ 850 Securities/Commodities/Exchange ☐ 875 Customer Challenge 12 USC 3410 ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 892 Economic Stabilization Act ☐ 893 Environmental Matters ☐ 894 Energy Allocation Act ☐ 895 Freedom of Information Act ☐ 900 Appeal of Fee Determination Under Equal Access to Justice ☐ 950 Constitutionality of State Statutes || **V. ORIGIN** (Place an "X" in One Box Only) ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment | | | |
VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. 2254 Brief description of cause:			
VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ _____ CHECK YES only if demanded in complaint: JURY DEMAND: ☐ Yes ☐ No			
VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____			
DATE _____ SIGNATURE OF ATTORNEY OF RECORD _____			
FOR OFFICE USE ONLY RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____			

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) Hunter v. Spencer
2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).
- 05-10904 NG
- I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- X IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.
3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(G)). IF MORE THAN ONE PRIOR RELATED CASE HAS BEEN FILED IN THIS DISTRICT PLEASE INDICATE THE TITLE AND NUMBER OF THE FIRST FILED CASE IN THIS COURT.
- Hunter v. Hall
4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?
- YES XX NO
5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC §2403)
- YES NO XX
- IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY?
- YES NO
6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC §2284?
- YES NO XX
7. DO ALL OF THE PARTIES IN THIS ACTION, EXCLUDING GOVERNMENTAL AGENCIES OF THE UNITED STATES AND THE COMMONWEALTH OF MASSACHUSETTS ("GOVERNMENTAL AGENCIES"), RESIDING IN MASSACHUSETTS RESIDE IN THE SAME DIVISION? - (SEE LOCAL RULE 40.1(D)).
- YES XX NO
- A. IF YES, IN WHICH DIVISION DO ALL OF THE NON-GOVERNMENTAL PARTIES RESIDE?
- EASTERN DIVISION CENTRAL DIVISION WESTERN DIVISION
- B. IF NO, IN WHICH DIVISION DO THE MAJORITY OF THE PLAINTIFFS OR THE ONLY PARTIES, EXCLUDING GOVERNMENTAL AGENCIES, RESIDING IN MASSACHUSETTS RESIDE?
- EASTERN DIVISION CENTRAL DIVISION WESTERN DIVISION
- (PLEASE TYPE OR PRINT)
- ATTORNEY'S NAME Michael K. Hunter, Pro Se
- ADDRESS P. O. Box 43, Norfolk MA 02056
- TELEPHONE NO. _____